THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18675 of 2005

24-08-2005

Between:

G.Beesanna

... PETITONER

AND

1.APSRTC, rep. By its Vice Chairman and Managing Director, Musheerabad, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.18675 of 2005

ORDER:

This writ petition is filed aggrieved by the impugned order passed by the respondents in ordering recovery of a sum of Rs.83,150/- towards the face value of ticket blocks lost.

It is stated that the petitioner worked as a Depot Clerk and retired from service on 31.07.2002. It is also stated that while he was in service, he was charge sheeted on 20.03.1997 on the allegation that the ticket blocks were misplaced. Thereafter, a regular departmental enquiry was conducted and based on the enquiry report, the disciplinary authority, the Depot Manager, Kurnool-II Depot, passed orders on 27.05.2005 ordering recovery of a sum of Rs.83,150/- from the petitioner towards the face value of ticket blocks lost. Aggrieved by the same, the petitioner has come up with the present writ petition.

At the time of hearing, it is represented by the learned counsel for the petitioner that as per the judgment of this Court in **Ch.P.Reddy v APSRTC and another** and in an unreported judgment of this Court in **W.P.No.8577 OF 2005** between **J.Nageswara Rao & The Depot Manager, APSRTC, Udyagiri Depot** dated 19.04.2005, this Court held that the respondent-Corporation is not entitled to recover the face value of the tickets lost, but it can recover the cost of the paper and the printing charges. Therefore, the petitioner sought to set aside the impugned order.

The learned counsel for the petitioner also contended that the petitioner retired from service on 31.07.2002. However, the impugned order was passed on 27.05.2005 long after the retirement of the

petitioner and illegally withheld an amount of Rs.83,150/- from out of the terminal benefits of the petitioner. Hence, he sought for appropriate orders for release of the said amount with interest at the rate of 12%.

The learned Standing Counsel appearing for the respondent-Corporation, however, sought to contend that though the issue is covered by the judgments of this Court, the petitioner is not entitled to the interest at the rate of 12% as no such interest is being paid even by the nationalized banks.

Heard both sides and considered the material on record.

Admittedly, the dispute relates to missing of some of the ticket blocks and the petitioner was held responsible for the same. Accordingly, after conducting a regular departmental enquiry, Rs.83,150/- towards the face value of the ticket blocks lost was in fact withheld from out of the terminal benefits of the petitioner. As per the judgments of this Court referred to earlier, the Corporation is not entitled to recover the face value of the tickets lost, but it can only recover the cost of the paper and the printing charges.

Under the above circumstances, the impugned order is set aside and the respondents are directed to ascertain the value of the paper and the tray; and deduct the same from out of the withheld amount. The balance amount is directed to be paid back to the petitioner with interest at the rate of 6% per annum within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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24.08.2005

VGB